

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62107 of 2019

Arising Out of PS. Case No.-428 Year-2019 Thana- DEHRI TOWN District- Rohtas

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1. Akhilesh Kumar, aged about-35 years (Male), Son of Munarik Choudhary @ Munarik Chaudhary, Resident of Village- Kochadh Tola, Keshopur, P.S.-Barun, District-Aurangabad (Bihar).
 2. Yogendra Paswan, aged about-40 years (Male), Son of Ram Baran Ram @ Rambaram Ram, Resident of Village-Handal Piraps, P.S.-Barun, District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary cum Commissioner Department of Mines and Geology, Govt. of Bihar, Patna. Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Adv.
For the Opposite Party/s	:	Mr. Umanath Mishra, APP.
For the Dept. of Mines	:	Mr. Naresh Dikshit, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 21-10-2019 Learned counsel for the petitioners is permitted to make correction in paragraph one of this petitioner as well as paragraph no. 5 relating to the Sections 379, 411, 427 and 336 IPC.

The petitioner apprehends his arrest in connection with Dehri (Town) P.S. Case No. 428 of 2019 registered under sections 147, 149, 341, 353, 504, 506, 379, 411, 427 and 336 of the Indian Penal Code.

The allegation against the petitioners as per the first information report, is that altogether 80 to 100 tractors loaded with sand was coming towards Dehri from Aurangabad which



was intercepted by the Mining Team. However the tractors drivers and their followers started abusing the informant and another official and also pelted stone upon the police party and damaged Scorpio vehicle of the raiding team. It has further been alleged that 42 tractors were seized by the police party.

Mr. Ravinder Kumar, learned counsel appearing for the petitioner submits that the petitioners are owner and driver of one of the tractors listed at Sr. No. 1 of the seizure list. The tractor was carrying the sand under the valid challan which is annexed at Annexure-3. Learned counsel further submits that the loaded sand was not extracted illegally and the petitioners were validly carrying the sand under the valid permit. Learned counsel further submits that the allegation of assault is not specific against these petitioners and the petitioners have no criminal antecedent.

Learned counsel appearing for the Mining Department opposes the prayer for anticipatory bail and submits that the tractors owners and their followers created stampede on spot and also damaged the van of the raiding team, they do not deserve the privilege of anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the fact that the petitioners have



deposited the penalty and no specific allegation has been raised against the petitioners, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Dehri (Town) P.S. Case No. 428 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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